

## **Assembly Bill 61 (Pedro Nava)** **Sex Crime Loophole Closure Act**

### **Reasons Why AB 61 Is Necessary**

Proposition 21, which passed in March 2000, entitled "Gang Violence and Juvenile Crime Prevention Act of 1998" gave the ability to authorities to grant Deferred Entry of Judgment (DEJ) to juveniles who commit felonies in order to give them the opportunity to "straighten up" through probation and subsequently dismissing the actual case. The primary problem is that there are only a limited number of felonies excluded from qualifying for this alternative process of dealing with these cases. There are numerous felonies of a sexual nature that are not excluded, including rape, sodomy, lewd and lascivious acts with a child, and oral copulation.

### **Existing Law**

In March 2000, voters passed Proposition 21, entitled "Gang Violence and Juvenile Crime Prevention Act of 1998" which added Section 790 to the Welfare and Institutions Code.

This section created a new form of juvenile probation known as deferred entry of judgment (DEJ) under which a juvenile who has admitted to the commission of a felony may be eligible to be placed directly under probation, and if terms are completed successfully, the case is dismissed and the record of admission and arrest is sealed.

The only admitted felony offenses that Section 790 excludes are those enumerated in Section 707 (b) of the Welfare and Institutions Code, which are crimes that a juvenile can be tried as an adult.

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### **This Bill**

AB 61 (Nava):

- Prohibits authorities from giving deferred entry of judgment to juveniles who have committed any sex offenses. This will stop the process of sending juveniles straight to a probation officer when they have committed egregious sex crimes.

### **Facts**

- The nature of sex crimes committed by juveniles gives a good indication of the individual's sexual and violent propensities as an adult. Studies show that one in two sex offenders began their sexually abusive behavior as juveniles.

### **Comments**

Sexual Violent Predator (SVP) predicate offenses are egregious crimes which show significant indications of an individual's propensities to engage in sexually violent crimes. Records of these offenses contain sociological and psychological reports that

would be a valuable tool for inspection and use in a SVP proceeding. If the juvenile goes on to commit further sexually violent crimes as an adult, it is important that these juveniles have been dealt with appropriately and the records remain in tact.

### **Support**

(as of 3/23/09):

PORAC (sponsor)

CA District Attorneys Association

CA Sheriffs' Association

CA Correctional Supervisors Organization

### **Opposition**

None at this time.

### **Votes**

None

### **For More Information**

Consultant: Jillena Eifer (916) 319-2035